

SEALED

3:20-mj-286

DISTRICT OF OREGON, ss: AFFIDAVIT OF MATTHEW JAGGERS

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Matthew Jaggers, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so since 2016. I am currently assigned to the Portland Division, Pendleton Resident Agency in Pendleton, Oregon. During my employment as an FBI Agent, I have been assigned to investigate violations of federal law including sexual assaults, rape, sexual assaults of minors, drug trafficking, bank robberies, Hobbs Act robberies, locating fugitives, and other violent crimes. I have received training and I have gained experience in historical phone analysis, location data analysis using social media as-well-as cellular device accounts, interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, computer evidence identification, collecting evidence, including DNA, computer evidence seizure and processing, and various other criminal laws and procedures.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for Michael Lyon (LYON), for violations of 18 U.S.C. § 2261A(2)(B), Cyber Stalking; and 18 U.S.C. § 2251(a), Sexual Exploitation of Children. As set forth below, there is probable cause to believe, and I do believe, that LYON committed violations of 18 U.S.C. § 2261A(2)(B), Cyber Stalking and 18 U.S.C. § 2251(a), Sexual Exploitation of Children.

Applicable Law

3. Title 18 U.S.C. § 2261A(2)(B) prohibits in relevant part, with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, use of the mail, any interactive computer service or electronic communication

service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to that person, an immediate family member, or a spouse or intimate partner of that person.

4. Title 18 U.S.C. § 2251 (a) prohibits in relevant part employing, using, persuading, inducing, enticing, or coercing any minor to engage in, or who has a minor assist any other person to engage in, or transporting any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct.

Statement of Probable Cause

5. In January 2020, the Minor Victim 1's (MV1) mother contacted the FBI regarding an ongoing sexual assault investigation being conducted by Umatilla Police Department. In October of 2017, MV1 was on a social media application called MeetMe. MV1 was 13 years-old at the time of initial contact in 2017, and residing in eastern Oregon. Michael Wayne LYON contacted MV1 on MeetMe pretending to be a 15 year-old boy. LYON was a 34 year-old man at the time of initial contact in 2017.

6. A few days after meeting LYON, MV1 began using Snapchat to communicate with LYON. MV1 and LYON communicated almost every day. After approximately four months of communicating on Snapchat, LYON told MV1 that he had lied about his age and that he was actually 17 years-old. LYON routinely sent pictures of himself to MV1, however, MV1 later discovered that these pictures were photographs of LYON when he was a teenager.

7. After communicating for approximately six months, LYON started to suggest that he and MV1 meet. LYON told MV1 that he was 32 years-old. Upon receiving this information from LYON, MV1 told LYON that she did not want to speak to him anymore.

8. LYON began making threats to MV1 if she didn't continue to communicate with him. LYON told MV1 that he would hurt MV1's younger siblings if she did not continue to talk to him, and also sent MV1 a picture of her house. MV1 described the picture as being real and not appearing to be copied from a google street-image. LYON also threatened to burn down MV1's house. LYON made threats to MV1 anytime MV1 told LYON that she did not want to talk to him anymore. MV1 became fearful for the safety of herself and her siblings. These communications continued over Snapchat.

9. In March of 2018, a few weeks before MV1's fourteenth birthday, LYON contacted MV1 again and threatened to hurt her siblings if she did not meet with LYON that night. LYON parked outside of MV1's residence, and told MV1 to get in his vehicle. MV1 told investigators in an interview that she was afraid that if she did not go with LYON, he would hurt her siblings. MV1 got into LYON's vehicle and he drove her to a nearby motel in Stanfield, Oregon. MV1 described the hotel which was later identified as the Comfort Inn and Suites located in Stanfield, Oregon. LYON already had a key to a room when they arrived at the motel. He told MV1 that he did not want anyone to see them entering the room. LYON proceeded to have vaginal intercourse, anal intercourse, and oral sex with MV1.

10. MV1 recalled that during oral sex, she remembered seeing LYON holding a phone in his hand and believed that LYON recorded the sexual assault. LYON later sent the video that he

made to MV1's brother. MV1's mother also saw the video and told investigators that she was certain that it was taken of MV1 from a top down angle.

11. In a Snapchat conversation between LYON and MV1 that occurred in May of 2020, LYON refers to making a video of MV1 performing oral sex on LYON. The content of this conversation is more fully described below.

12. On October 7, 2020, I recovered a video that was previously submitted to Detectives at the Umatilla Police Department by MV1's mother. The video depicted a female with exposed breast performing oral sex on a male. The penis was visible in this video. The video appeared to be captured by having a second phone record a video of the pornographic video. The pornographic video appeared to have been sent online through a messenger service believed to be Snapchat.

13. On October 27, 2020, MV1 viewed a still shot of the video that investigators recovered from MV1's mother's phone. MV1 identified herself and LYON in the video and confirmed that it was the video filmed by LYON the night of the sexual assault in March of 2018.

14. Following the sexual assault between LYON and MV1 in 2018, LYON continued to contact MV1 on Snapchat with different accounts throughout 2019. After each contact, MV1 would block communications with LYON's new account.

15. MV1 discovered that LYON was also contacting other minors associated with MV1 and was attempting to form friendships with them using similar grooming practices. MV1 received a message from another minor friend that stated that LYON contacted the minor friend and told her, "Make sure you say goodbye to (MV1) I just paid \$25,000 to have her killed."

16. The FBI began investigating this case in early 2020 after LYON contacted MV1 in February. LYON made the following statements on Snapchat under the name “Mike Goodie”:

- a. “I figured they might be lies, but you know what means? It means that my attorney will show you to be a lying, my immature girl. Then, a court will see that you are pregnant, and they may decide that because of your immaturity, you’re not fit to be a mother. So, they take the baby from you and put it in foster care.”
- b. “Keep thinking that. But, I’ve already talked with my attorney about it. And, he assured me that we can make life a living hell for you if you decide to go to the police. Especially now that you’re pregnant.”

17. On May 9, 2020, LYON contacted MV1 using the Snapchat account bend8534, display name “Ben Dover”. MV1 believed this account belonged to LYON because of what the user was saying to MV1. In this conversation, LYON made the following statements:

- a. “It wasn’t rape

You were fully willing

Don’t remember the video I took of u sucking my dick?

U were laughing and willingly sucking my dick”

- b. “I have the video to prove it

c. I asked if u wanted it before I slid my dick in u and u said yes daddy”

d. “I still have those panties u wore for me”

18. LYON later asked MV1 to unsave the conversation on Snapchat. After MV1 refused to unsave the conversation, LYON threatened MV1 with the following statement:

- a. "When I get back from seeing [redacted] I'm coming to kill u and ur whole fucking family"

19. LYON also stated that it was not "Mike" (LYON) on Ben Dover. LYON claimed to be Witness 1 (WI). Lyon was also sending MV1 pictures of messages in Snapchat because they self-erase. One message he sent as a picture stated:

- a. "Have you not blocked me because you love me, and you realize that all of our issues were caused by other people interfering in our relationship, and me being hacked, and you want to try again, but you're scared history will repeat itself?"

20. Lyon sent another message as a picture that stated:

- a. "I will kill u and ur family"

21. In one of the messages that MV1 sent LYON, she stated

- a. "You took advantage of me being a confused 13 year old you made me terrified to even stand up against any guy you made me watch my back everywhere I went I have fucking ptsd from you (I'm) on multiple medications because of you and all (I've) ever wanted is you to be gone"

22. On May 15, 2020, investigators sent an exigent request to Snapchat for subscriber information associated with Snapchat account bend8534. Snapchat provided IP address 2600:1006:b10b:3512:295f:c461:1712:667b used on May 15, 2020 at 15:59:09 UTC. Snapchat also provided location information that showed the user had traveled from South Florida to Northwest Georgia.

23. On May 15, 2020, U.S. Magistrate Judge Youlee Yim You signed a geolocation warrant for LYON's telephone. On June 4, 2020, Judge You signed a search warrant for LYON's

snapshot account. On June 26, 2020, U.S. Magistrate Judge John V. Acosta signed an extension for the geolocation warrant.

24. The aforementioned IP address provided by Snapchat belongs to Verizon Wireless. Investigators sent an exigent request to Verizon for subscriber information, location information (historical and prospective), device information, and text message content associated with account that used the aforementioned IP address. Verizon identified the phone number as 401-602-7841 (the Target Cell Phone) and the subscriber as Michael LYON, 1159 N Dixie Freeway, New Smyrna Beach, Florida 32168. LYON's device was registered with Verizon as having an international mobile equipment identifier (IMEI) 353236102972703.

25. Investigators identified IMEI 353236102972703 as an Apple device and an exigent request was sent to Apple for the account associated with the IMEI. The records provided by Apple identified the account subscriber as Michael LYON, email address fntptrucke@gmail.com, address 1625 S Broadway, De Pere, Wisconsin 54115. An open source search of this address shows the address belonging to Wisconsin Express Lines, a trucking/hauling business in De Pere.

26. In October of 2020, LYON contacted MV1 again using Snapchat. LYON made the following statements to MV1:

- a. "If u really think I'm not gonna have ur family killed think again". Lyon then sent a photo of MV1 holding her infant and stated:
- b. "Say goodbye to that little girl"
- c. "Leave me on read on screenshot more time it will be the end of (MV1's mother)"
- d. "Like I said when she's dead, you'll know I knew"

e. "Then leave me on read or screenshot again, and take the chance
consider her dead

[redacted] too

Hope you're not very close to them"

f. "Has any guy ever killed someone for you?

That's what I thought

But I have

I giggled W1"

g. "You know I live right across the border now right

I'm coming for you soon

I love you"

Remember how romantic our first time was?"

h. "Now, are we going to talk, or am I going for [redacted]"

27. On December 1, 2020, FBI Agents interviewed Minor Victim 2 (MV2) who resides in Leesburg, Florida. MV2 was born in 2003. MV2 has used the same Snapchat account for the last four to five years. She changed her account in the spring of 2020 because she was being harassed by a screen name identified as Ben Dover. MV2 and Ben Dover began communicating on Snapchat in October of 2019. The individual that contacted MV2 using Ben Dover, also contacted MV2 several other Snapchat accounts. These other accounts separately included the names Adam, Mike, and daddy.

28. The user of Ben Dover, who investigators have identified as Lyon, initially pretended to be a teenage girl when communicating with MV2. The conversation rapidly transitioned to talk

about sex, and Lyon requested nude photos of MV2. Lyon sent MV2 several nude photos of himself as well as movies of himself masturbating. MV2 sent Lyon nude photos and videos of herself between 10 and 20 times.

29. Lyon began asking MV2 to meet in person around January of 2020. He requested to show up at MV2's residence and pick her up. MV2 told Lyon she did not want to meet. Lyon began threatening MV2 with bodily harm when she declined to meet him. Lyon threatened to harm MV2 and her family. MV2 had spoken with Lyon on the phone once and disclosed where she attended school.

30. Lyon attempted to contact at least one of MV2's friends. Lyon also threatened to send MV2's nude photos to MV2's friends and family if she did not meet Lyon for sex. MV2 was 16-years-old when Lyon contacted her.

31. On December 9, 2020, I recovered a lodging receipt from the Comfort Inn and Suites located in Hermiston Oregon. The receipt shows that Mike Lyon stayed at the hotel between March 22, 2018 thru March 25, 2018. The listed address on the receipt for Lyon is 1159 B Dixie Fwy, New Smyrna Beach, Florida 32168.

Conclusion

32. Based on the foregoing, I have probable cause to believe, and I do believe, that Michael Lyon committed 18 U.S.C. § 2261A (2)(B), Cyber Stalking and 18 U.S.C. § 2251 (a), Sexual Exploitation of Children. I therefore request that the Court issue a criminal complaint and arrest warrant for Michael Lyon.

33. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Pam Paaso, and

AUSA Pam Paaso advised me that in her opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

Request for Sealing

34. It is respectfully requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of the requested criminal complaint and arrest warrant. I believe that sealing these documents is necessary because the information to be seized is relevant to an ongoing investigation, and any disclosure of the information at this time may endanger the life or physical safety of an individual, cause destruction of or tampering with evidence, cause intimidation of potential witnesses, or otherwise seriously jeopardize an investigation. Premature disclosure of the affidavit, the criminal complaint, and the arrest warrant may adversely affect the integrity of the investigation.

By phone JK
Matthew Jaggers
Special Agent
Federal Bureau of Investigation

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 11:56
a.m/p.m. on December 16, 2020.

J.V.A.
JOHN V. ACOSTA
United States Magistrate Judge